

# 'KOREAN DMZ PEACE PARK' AND THE LANDMINE PROBLEM

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I. INTRODUCTION .....	555
II. MAJOR OBSTACLES TO THE 'KOREAN DMZ PEACE PARK' .....	556
A. <i>Failure to Achieve a Peace Agreement</i> .....	557
B. <i>High Military Tensions on the Korean Peninsula</i> .....	558
C. <i>Armistice Agreement Problems and Limitations</i> .....	559
III. LANDMINE USE AND OTHER HAZARDS IN THE DMZ.....	561
IV. LANDMINE INCIDENTS IN THE DMZ.....	563
V. LANDMINE CLEARANCE IN THE DMZ .....	565
VI. CONCLUSION .....	568

It is a landscape of nightmare, this wasteland of a demilitarized zone, artillery craters, barbed wire, minefields, graveyards, the skeletons of villages and the remains of rice paddies. The earth has been shelled, mined, overgrown, booby-trapped, burned and abandoned to grow wild yet another time.<sup>1</sup>

## I. INTRODUCTION

Written by a veteran of the United States Army who had served near the Demilitarized Zone (DMZ) in 1968, the scene captures very well the image of the area as a desolate, abused land on the one hand and an untouched, wild land of nature on the other hand. Another paradox of the Korean DMZ is that "there is nothing demilitarized in the Demilitarized Zone,"<sup>2</sup> as explained by a United States Army colonel to reporters in 1998 on the military buffer zone that divides Korea into two. Thus, the difficult but pressing challenge facing the Korean people today is how to transform the dangerous DMZ, one of the most heavily armed areas in the world, into a true zone of disarmament, peace and cooperation.

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1. WILLIAM HOLINGER, *THE FENCE-WALKER* 235 (SUNY Press 1985).

2. Bill Gertz, *In Korea's Misnamed DMZ, United States Defenders Rely on Mines*, WASHINGTON TIMES (Jan. 23, 1998), available at <http://infoweb.newsbank.com.ezproxylocal.library.nova.edu/resources/doc/print?p=AWNB&docrefs=news/0EB0F2E4F134868> (last visited Jan. 20, 2015).



In this context, it was quite timely and courageous for President Park Geun-hye of South Korea (ROK) to express her hope to create "an international park in the DMZ" in her speech to the United States Congress in May, 2013.<sup>3</sup> She said, "[i]t would be a zone of peace bringing together not just Koreans, but also the citizens of the world," and called on the United States and the global community to support the project.<sup>4</sup> Then, she made a formal proposal about the park to North Korea (DPRK) in her address in observance of the national liberation day on August 15, 2013.<sup>5</sup>

The idea of creating a peace park in the DMZ, however, is not new. In fact, the liberal government of President Kim, Dae-jung of South Korea adopted a plan in August 2000, to develop a peace park in the DMZ and discuss it in the Inter-Korean Ministerial Meeting.<sup>6</sup> However, there was apparently no further developments on the project. In addition, some environmental groups have been advocating, for more than a decade, the preservation of the entire DMZ as a natural sanctuary for biodiversity and wildlife in Korea.<sup>7</sup> It seems that these past proposals did not make any progress because they were too ambitious in the scope and size and of possible opposition from the military.

Although very difficult, it will be not impossible to realize the dream, if President Park is serious, and can somehow reduce the existing military tensions on the Korean Peninsula and revive the inter-Korean dialogue and cooperation. Part II of this article will briefly review some of the main obstacles that will impede the proposed project. Part III, IV and V will discuss the landmine problems in the DMZ, which will pose a significant obstacle to building a peace park there. Finally, the conclusion will offer some practical steps moving forward on the peace park proposal, as well as some measures to eliminate the landmine problems in Korea.

## II. MAJOR OBSTACLES TO THE 'KOREAN DMZ PEACE PARK'

It will be necessary to overcome many obstacles in creating a peace park in the DMZ. Aside from the landmines and other hazards in the DMZ, other major obstacles today include the continuing state of war in Korea,

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3. Park Geun-hye, President of the Republic of Korea, Address to the Joint Session of the United States Congress (May 10, 2013).

4. *Id.*

5. Park Geun-hye, President of the Republic of Korea, Address on the 68th Anniversary of Liberation (Aug. 15, 2013).

6. Jeong, S. W., "Seeking DMZ Peace Park." *SaeGae Times*, Aug. 25, 2000.

7. *Mission and Vision*, The DMZ FORUM, <http://www.dmzforum.org/about/mission-and-vision> (last visited Feb. 7, 2015).



high military tensions on the Korean Peninsula, and the Korean War Armistice Agreement problems and limitations.

#### A. *Failure to Achieve a Peace Agreement*

The Korean War Armistice Agreement of July 27, 1953, a cease-fire agreement signed by the military commanders of Democratic Peoples' Republic of Korea (DPRK), People's Republic of China and the United States, on behalf of the UN Member States participating in the War, was supposed to last for a temporary period until "a final peaceful settlement is achieved" in Korea.<sup>8</sup> Under Paragraph 60 of the Armistice Agreement, the military commanders of both sides recommended as follows:

The governments of the countries concerned on both sides that, within three months after the Armistice Agreement is signed and becomes effective, a political conference of a higher level of both sides be held by representatives appointed respectively to settle through negotiation the questions of the withdrawal of all foreign forces from Korea, the peaceful settlement of the Korean question, etc.<sup>9</sup>

However, such a political conference did not take place in time.<sup>10</sup> Instead, the United States negotiated and signed a mutual defense treaty with ROK on October 1, 1953.<sup>11</sup> The Geneva Conference of 1954, which dealt with the Korean question, among others, also failed to reach any agreement.<sup>12</sup> Since then, the directly concerned parties in the Korean

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8. Korean War Armistice Agreement pmb., July 27, 1953, available at [http://news.findlaw.com/scripts/prINTER\\_friendly.pl?page=/hdocs/docs/korea/kwarmagr072753.html](http://news.findlaw.com/scripts/prINTER_friendly.pl?page=/hdocs/docs/korea/kwarmagr072753.html) (last visited Feb. 7, 2015) [hereinafter Armistice Agreement]. It is to be noted that the South Korean government, under Syngman Rhee, refused to sign the agreement because it wanted to continue the fighting. Nevertheless, the South Korean forces were under the control of the "UN Command," which was commanded by the United States military commander in the Far East.

9. *Id.* at para. 60.

10. John Whiteclay Chambers II, *Korean War*, in THE OXFORD COMPANION TO AMERICAN MILITARY HISTORY (2000) available at <http://www.encyclopedia.com/utility/printdocument.aspx?id=10126:KoreanWar> (last visited Feb. 7, 2015).

11. Mutual Defense Treaty Between the United States and the Republic of Korea, United States-Kor., Oct. 1, 1953, available at [http://avalon.law.yale.edu/20th\\_century/kor001.asp#art1](http://avalon.law.yale.edu/20th_century/kor001.asp#art1) (last visited Feb. 7, 2015).

12. Chen Jian and Shen Zhihua, *New Evidence from the Archives of the Ministry of Foreign Affairs of the People's Republic of China, THE GENEVA CONFERENCE OF 1954* 12 available at [http://www.wilsoncenter.org/sites/default/files/CWIHPBulletin16\\_p1.pdf](http://www.wilsoncenter.org/sites/default/files/CWIHPBulletin16_p1.pdf) (last visited Feb. 7, 2015).



War—the ROK, DPRK, United States, and China—also failed to negotiate a peace agreement to end the Korean War officially so far.<sup>13</sup> Thus, the state of war and the Cold War regime continue in Korea today under the outdated Armistice regime.<sup>14</sup>

### B. High Military Tensions on the Korean Peninsula

Military tensions are high on the Korean Peninsula at this time due to the development of nuclear weapons by North Korea as well as the pursuit of the so-called “Asia Pivot” policy of the United States under the Obama administration.<sup>15</sup> Such United States policy is aimed at containing North Korea and China by strengthening the United States military alliance system with Japan and South Korea, while increasing its military power and troop presence in the Asia-Pacific region.<sup>16</sup> Due to the planned military build-ups of the United States in places like Guam, South Korea, Japan and Australia, the Obama administration is using, to a large extent, the military tensions on the Korean Peninsula as a major justification for its “Asia Pivot” policy.<sup>17</sup> Thus, the current United States government has been pursuing a hardline policy against North Korea—refusing to return to the Six-Party Talks or discuss any peace agreement with DPRK, unless the latter takes steps to abandon its nuclear programs first.<sup>18</sup>

In response to the tough policy of the Obama administration and the increased frequency of the United States-ROK joint military drills against North Korea in recent years, DPRK is also trying to enhance its nuclear and missile developments through more frequent tests of these weapons.<sup>19</sup> Under the current circumstances, North Korea seems reluctant to enter any meaningful dialogues with the Park Guen-hye administration, as long as the

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13. Wooksik Cheong, (60th Anniversary of the Korean War Armistice Regime) *Normality and Abnormality*, PEACE NETWORK, <http://peacekorea.org/zbx/1758115> (last visited Feb. 7, 2015).

14. *Id.*

15. See Remarks by President Obama to the Australian Parliament (Nov. 17, 2011), available at <https://www.whitehouse.gov/briefing-room/speeches-and-remarks> (last visited June 6, 2015).

16. See Susan E. Rice, National Security Advisor, America’s Future in Asia at Georgetown University, Gatson Hall (Nov. 20, 2013); Adam Entous and Julian E. Barnes, *US Plans New Asia Missile Defenses*, WALL ST. J., Aug. 23, 2012.

17. Vince Scappatura, *The United States Pivot to Asia, The China Spectre and the Australian-American Alliance*, 12 THE ASIA-PAC. J. 36, No. 3, (Sept. 9, 2014).

18. Larry A. Niksch, *North Korea’s Nuclear Weapons Development and Diplomacy*, CRS REPORT FOR CONGRESS 7 (Jan. 5, 2010).

19. *Id.* at i.



South Korean government cooperates with the Obama administration's tough North Korea policy.<sup>20</sup>

### C. *Armistice Agreement Problems and Limitations*

Since the Korean DMZ is a byproduct of the Armistice Agreement of 1953, it is important to understand first the current status of the Agreement today. In this regard, one American expert on the United States-Korea relations commented on the Armistice Agreement as follows:

on a more fundamental level, the world, the region, and the Korean peninsula have changed so much in the last six decades that the specifics of the armistice itself and its original structures are so anachronistic as to be no longer recognizable.<sup>21</sup>

Indeed, his description of the Armistice regime at this time is very accurate. In fact, in the last sixty years, both the United States and North Korea violated the Agreement on numerous occasions, and many of the provisions became obsolete.<sup>22</sup> For example, the following provisions of the Armistice Agreement have been violated, and are no longer in effect:

Article 1 (Military Demarcation Line, MDL, & DMZ) . . . it is now a militarized zone with numerous "hostile act(s) within, from, or against the DMZ"<sup>23</sup> in the past.

Article 2A, 13d (Cease introduction of new weapons into Korea) . . . United States abrogated this section in 1957 and brought in its nuclear weapons into South Korea in 1958, as well as many other new weapons thereafter.<sup>24</sup>

Article 2B (Military Armistice Commission, MAC) . . . after March 1991, North Korea refused to participate in full MAC meetings, in protest against the United States appointment of a

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20. Olly Terry, *Why Are Inter-Korean Relations Not Improving?*, PEACE NETWORK (Jan. 27, 2015), available at <http://www.peacekorea.org/?ckattempt=1> (last visited June 6, 2015).

21. L. Gordon Flake, *Anchor or Anachronism: Perspectives on the Significance of the Korean Armistice Regime*, THE MAUREEN & MIKE MANSFIELD FOUNDATION 2 (July 26, 2013).

22. *Id.* at 4.

23. Armistice Agreement, *supra* note 8, para. 6.

24. *Id.* at para. 13(d); see Lee Jae-Bong, *United States Deployment of Nuclear Weapons in 1950s South Korea & North Korea's Nuclear Development: Toward Denuclearization of the Korean Peninsula*, THE ASIA-PAC. J.: JAPAN FOCUS available at <http://www.japanfocus.org/-Lee-Jae-Bong/3053> (last visited Feb. 7, 2015).



ROK general to head the "UN Command" at Panmunjom. Thereafter, North Korea completely withdrew its delegates from the MAC and established a "military liaison office" at Panmunjom "as a new mechanism for negotiating with the United States side" in April 1994.<sup>25</sup>

Article 2C (Neutral Nations Supervisory Commission) . . . this Commission was put out of business by the United States in June 1957.<sup>26</sup>

In reaction to the United States violations of the Armistice Agreement, North Korea announced several times in the past that it would no longer abide by the Armistice Agreement. The latest declaration was issued by a Spokesperson of the Supreme Command of the Korean People's Army on March 5, 2013.<sup>27</sup> It stated that the Armistice Agreement would be scrapped as of March 11, 2013, the start date of the main United States-ROK joint military drill for the winter.<sup>28</sup> On the other hand, the Spokesperson for the United States Department of State dismissed it as another "bellicose rhetoric."<sup>29</sup> It is yet to be seen whether North Korea will reaffirm the Agreement or not in the future.

In any case, it is to be noted that the Armistice Agreement itself is not very helpful in promoting any inter-Korean exchanges or joint projects since it puts severe restrictions on the use of the DMZ. For instance, Paragraph 7, 8, 9, and 11 of the Agreement requires a specific authorization of the Military Armistice Commission before any "persons, materials, and equipment" are allowed to enter the DMZ or cross the MDL.<sup>30</sup> In addition, under Paragraph 10, the military commanders of both sides have "responsibility" for "civil administration and relief" in the respective area of control within the DMZ.<sup>31</sup> This means that the military Commander of the United States Forces Korea, who also acts as Commander of the "UN

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25. Larry Nicksch, *North Korea's Campaign Against the Korean Armistice*, CRS REPORT FOR CONGRESS 7 (Dec. 11, 1995).

26. Lee Jae-Bong, *supra* note 24.

27. *Spokesman for Supreme Command of KPA Clarifies Important Measures to be Taken by It*, KOREA CENTRAL NEWS AGENCY (Mar. 5, 2013), available at <http://www.kcna.co.jp/item/2013/201303/news05/20130305-21ee.html> (last visited Feb. 7, 2015).

28. *Id.*

29. Daily Press Briefing, United States Dept. of State, Victoria Nuland, Spokesperson, available at <http://www.state.gov/r/pa/prs/dpb/2013/03/205954.htm> (Mar. 11, 2013).

30. Armistice Agreement, *supra* note 8, at para. 9.

31. *Id.* at para. 10.



Command," may have to consent to the creation and operation of an inter-Korean peace park in the DMZ.<sup>32</sup>

Likewise, the Park Guen-hye administration will also need the consent and cooperation of the North Korean military commander and government on the peace park project.<sup>33</sup> If North Korea reaffirms the Armistice Agreement, an amendment or rider to the Armistice Agreement will be needed to allow the creation of a park and transfer the administration of the park to the joint control of South and North Korea.<sup>34</sup>

### III. LANDMINE USE AND OTHER HAZARDS IN THE DMZ

If the peace park project moves forward, South and North Korea will have to agree eventually on the size and location of the park in the DMZ, which measures about four km (two and a half miles) deep and 248 km (154 miles) wide (west-east).<sup>35</sup> Among other considerations, both sides should try to identify the area that has the least amount of landmines (both antipersonnel and anti-vehicle), explosive remnants of war (ERW), anti-tank concrete blocks, and other hazards, including any Agent Orange contamination in the soil or water.<sup>36</sup> This kind of identification of trouble spots, through reviewing available documents, survey or tests, will make it possible to find the best location for a park and reduce the costs of completing the project.

During the Korean War, between 1952 and 1953, both sides used landmines extensively along the DMZ to maintain the battle line.<sup>37</sup> At the time of the military cease-fire on July 27, 1953, the DMZ probably

32. See Balbina Y. Hwang, *Reviving the Korean Armistice: Building Future Peace on Historical Precedents*, Vol. 6 KEI ACADEMIC PAPER 6 (June 2011). The "UN Command" is a misnomer because the correct name, as authorized by the U.N. Security Council Resolution 84 (July 7, 1950) is the "Unified Command." The UN has no control over the so-called "UN Command" in Korea.

33. Armistice Agreement, *supra* note 8, at para. 10; see Aidan Foster-Carter, *South Korea-North Korea Relations: A Sporting Chance or Playing Games?*, COMPARATIVE CONNECTIONS: A TRIANNUAL E-JOURNAL ON EAST ASIAN BILATERAL RELATIONS (Sept. 2014).

34. Armistice Agreement, *supra* note 8, para. 61.

35. Arthur H. Westing, *The Korean Demilitarized Zone (DMZ) as a bridge between the two Koreas*, INST. FOR CULTURAL DIPLOMACY 25 (Berlin, 2010).

36. John L. Davis, *Agent Orange Defoliated Korea's DMZ*, VFW MAGAZINE 20, (Feb. 2000); see also *Veterans Exposed to Agent Orange in Korea DMZ Will Have Easier Path to Benefits*, U.S. MEDICINE, available at <http://www.usmedicine.com/uncategorized/veterans-exposed-to-agent-orange-in-korea-dmz-will-have-easier-path-to-benefits> (last visited June 6, 2015). At present, the United States Department of Veterans Affairs allows disability payments to United States veterans, with certain medical problems, who served in or near DMZ area during Apr. 1, 1968-Aug. 31, 1971 period.

37. *Hidden Killers 1994: The Global Landmine Crisis*, UNITED STATE DEPARTMENT OF STATE available at [http://www.state.gov/1997-2001-NOPDFS/global/arms/rpt\\_9401\\_demine\\_ch3.html](http://www.state.gov/1997-2001-NOPDFS/global/arms/rpt_9401_demine_ch3.html) (last visited Feb. 7, 2015).



contained numerous landmines, minefields, ERWs, etc.<sup>38</sup> After the Armistice, it is reported that about one million new landmines were emplaced in the southern sector of the DMZ controlled by the United States military.<sup>39</sup> These new landmines were apparently put in the DMZ in periods of high military tensions—starting with the Cuban missile crisis of 1962, 1967, 1978, etc.<sup>40</sup> The South Korean government confirmed this one million number in the DMZ to the *Landmine Monitor*, a publication of the ICBL, on two occasions, although the content of its response has changed over the years.<sup>41</sup>

In addition to the DMZ area, reports indicate that another one million landmines—mainly M-16 and M-14 (small plastic mine) antipersonnel mines and anti-vehicle mines (about 25%)—are emplaced along the southern boundary of the DMZ and within the Civilian Control Zone, which covers about five to fifteen km of land immediately below the DMZ.<sup>42</sup> The South Korean government also confirmed this one million number in the CCZ to the *Landmine Monitor* in 2009.<sup>43</sup> The ROK government response stated that “there are approximately 1,000,000 mines that are emplaced on some 1300 sites between the DMZ and Seoul.”<sup>44</sup>

According to one study of the landmine issue in Korea, “The South Korean minefields are rarely deployed in open terrain . . . The minefields are instead generally placed in rough forests.”<sup>45</sup> This general rule seems to apply to the minefields now controlled by the ROK Army inside the DMZ too, except that a higher percentage of anti-vehicle mines may be present in the open area.

As for the use of landmines in the northern sector of the DMZ since the Armistice, a delegate of the DPRK Mission to the UN disclosed to the General Assembly meeting in 1998 that they “use landmines in the area along the military demarcation line, solely for defensive purposes.”<sup>46</sup> The

38. Armistice Agreement, *supra* note 8, at para. 13(a).

39. Republic of Korea, LANDMINE & CLUSTER MUNITION MONITOR (2000), available at [http://www.the-monitor.org/index.php/publications/display?url=lm/2000/south\\_korea.html](http://www.the-monitor.org/index.php/publications/display?url=lm/2000/south_korea.html) (last visited Jan. 26, 2015) [hereinafter 2000 ROK LANDMINE MONITOR].

40. See *Saegae Ilbo* (a Seoul newspaper), Aug. 20, 2000.

41. See 2000 ROK LANDMINE MONITOR, *supra* note 39; 2006 ROK LANDMINE MONITOR.

42. Caleb Rossiter, *Winning in Korea Without Landmines* 32 (VVAf, Summer 2000).

43. Republic of Korea, LANDMINE AND CLUSTER MUNITION MONITOR (2009), 965, [http://www.the-monitor.org/index.php/publications/display?act=submit&pqs\\_year=2009&pqs\\_type=lm&pqs\\_report=south\\_korea](http://www.the-monitor.org/index.php/publications/display?act=submit&pqs_year=2009&pqs_type=lm&pqs_report=south_korea) (last visited Feb. 7, 2015).

44. *Id.*

45. Rossiter, *supra* note 42, at 34.

46. Democratic People's Republic of Korea, LANDMINE AND CLUSTER MUNITION MONITOR



number of landmines used in the DMZ by North Korea is unknown, but the estimate is from “hundreds of thousands” to “one million mines.”<sup>47</sup> North Korea is known to use the following antipersonnel landmines: a wooden box-like mine (copy of Russian PMD-6), a plastic box-like mine (APP M-57) and a stake-like mine (copy of Russian POMZ-2M, a.k.a. North Korean Model 15).<sup>48</sup>

Thus, a rough estimate of the total number of landmines and ERWs in the DMZ may be about 2-4 millions.<sup>49</sup> Perhaps, this is why one United States soldier who is a specialist on weapons claims that “there are millions of mines emplaced in the Korean Demilitarized Zone.”<sup>50</sup> In other words, the DMZ may be one of the most heavily mined areas in the world with non-self-destructive landmines (a.k.a. dumb mines).

#### IV. LANDMINE INCIDENTS IN THE DMZ

Although there is no comprehensive data available to the public, many landmine incidents, involving both soldiers and animals, have been reported on various occasions by the media, ROK Ministry of Defense, NGOs or soldiers who had served in the DMZ.<sup>51</sup> In the last sixty years, there may have been hundreds of South Korean and United States soldiers who have been killed or injured in and around the DMZ.<sup>52</sup> In a bad year such as 2000, there were at least ten South Korean soldiers who were injured by landmine explosions inside or near the barbed wire fence along the southern

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(2000), available at [http://www.the-monitor.org/index.php/publications/display?url=lm/2000/north\\_korea.html](http://www.the-monitor.org/index.php/publications/display?url=lm/2000/north_korea.html) (last visited Feb. 7, 2015) [hereinafter 2000 DPRK LANDMINE MONITOR].

47. Gertz, *supra* note 2; DPRK LANDMINE AND CLUSTER MUNITION MONITOR (1999), available at [http://www.the-monitor.org/index.php/publications/display?act=submit&pqs\\_year=1999&pqs\\_type=lm&pqs\\_report=north\\_korea&pqs\\_section=](http://www.the-monitor.org/index.php/publications/display?act=submit&pqs_year=1999&pqs_type=lm&pqs_report=north_korea&pqs_section=) (last visited Feb. 7, 2015).

48. See 2000 DPRK LANDMINE MONITOR, *supra* note 46; Democratic People's Republic of Korea, LANDMINE AND CLUSTER MUNITION MONITOR (2001), available at [http://www.the-monitor.org/index.php/publications/display?url=lm/2001/north\\_korea.html](http://www.the-monitor.org/index.php/publications/display?url=lm/2001/north_korea.html) (last visited Feb. 7, 2015) [hereinafter 2001 DPRK LANDMINE MONITOR].

49. Republic of Korea, LANDMINE AND CLUSTER MUNITION MONITOR (1999), available at [http://www.the-monitor.org/index.php/publications/display?url=lm/1999/south\\_korea.html](http://www.the-monitor.org/index.php/publications/display?url=lm/1999/south_korea.html) (last visited Feb. 7, 2015) [hereinafter 1999 ROK LANDMINE MONITOR]; J. Antonio Ohe, *Are Landmines Still Needed to Defend South Korea?: A Mine Use Case Study*, in LANDMINES AND HUM. SEC. 277 (Richard A. Mathew, Bryan McDonald & Kenneth R. Rutherford, eds., 2004); see also Gertz, *supra* note 2.

50. J. Antonio Ohe, *supra* note 49.

51. e.g., *Landmine Kills Soldiers in DMZ*, CHI. TRIB. (Oct. 12, 1997), available at [http://articles.chicagotribune.com/1997-10-12/news/9710120472\\_1\\_border-with-north-korea-dmz-south-korea](http://articles.chicagotribune.com/1997-10-12/news/9710120472_1_border-with-north-korea-dmz-south-korea) (last visited Feb. 7, 2015).

52. See 1999 ROK LANDMINE MONITOR, *supra* note 49. It is to be noted that a majority of landmine victims in Korea are soldiers, and the DMZ area claims the majority of military victims.



boundary of the DMZ: five were seriously injured, among them were three officers who stepped on land mines inside the DMZ.<sup>53</sup> According to a Korean NGO book on the landmine problem in South Korea, there were two landmine explosions inside the DMZ: one incident killed two South Korean soldiers and wounded five soldiers who were patrolling the DMZ in March 1997; another incident killed three soldiers and wounded one soldier in May 1998.<sup>54</sup>

As for the landmine incidents inside the northern part of the DMZ, the reports are rare, but it seems landmine incidents also happen there on occasion. For instance, a United States NGO dealing with the Korean War reports on its website that a "United States DMZ patrol accidentally crossed the MDL and stepped on a North Korean landmine," killing one soldier and wounding two on December 7, 1979.<sup>55</sup> In another case, a South Korean newspaper reported that a North Korean soldier, who was working on the northern side of the inter-Korean transportation corridor in the western sector of the DMZ, suffered injury due to a landmine explosion in December 2002.<sup>56</sup>

Aside from the soldiers, witnesses have also reported that they saw certain animals or birds limping in the DMZ due to a possible injury from landmines. For example, a South Korean MBC TV crew entered the southern part of the DMZ to record a documentary on the rare species there, and saw a "wild boar that have lost legs to landmines."<sup>57</sup> In short, there seems to be enough evidence to show that the landmine danger is real in the DMZ.

53. Democratic People's Republic of Korea, LANDMINE AND CLUSTER MUNITION MONITOR (2001), available at [http://www.the-monitor.org/index.php/publications/display?act=submit&pqs\\_year=2001&pqs\\_type=lm&pqs\\_report=south\\_korea&pqs\\_section](http://www.the-monitor.org/index.php/publications/display?act=submit&pqs_year=2001&pqs_type=lm&pqs_report=south_korea&pqs_section) (last visited June 6, 2015); *Lighting Sets Off Explosions in South Korean Mines*, N.Y. TIMES, Aug. 28, 2000.

54. UNFINISHED WAR: ANTIPERSONNEL LANDMINES 141-142 (Seoul: Korean Church Women United, 1999).

55. *Serious Incidents in the DMZ 1967-1995*, KOREAN WAR PROJECT (Apr. 5, 1996), [http://www.koreanwar.org/html/kdata/dmz\\_incidents.htm](http://www.koreanwar.org/html/kdata/dmz_incidents.htm) (last visited Feb. 7, 2015).

56. Democratic People's Republic of Korea, LANDMINE AND CLUSTER MUNITION MONITOR (2003), available at [http://www.the-monitor.org/index.php/publications/display?url=lm/2003/north\\_korea.html](http://www.the-monitor.org/index.php/publications/display?url=lm/2003/north_korea.html) (last visited Feb. 7, 2015) [hereinafter 2003 DPRK LANDMINE MONITOR].

57. Dean Irvine, *Beyond the Barbed Wire: The Accidental Paradise of The DMZ*, CNN.COM (Oct. 25, 2009), available at <http://www.cnn.com/2009/WORLD/asiapcf/10/25/eo.dmoz.korea/index.html?ref=24hours> (last visited Feb. 7, 2015).



## V. LANDMINE CLEARANCE IN THE DMZ

Paragraph 13(a) of the Armistice Agreement required the withdrawal of “all military forces, supplies, and equipment from the DMZ” within seventy-two hours, as well as the report of “all demolitions, minefields, wire entanglements, and other hazards,” known to both sides, to the MAC.<sup>58</sup> The same Paragraph also required that “all such hazards” to be removed from the DMZ “as directed by . . . the MAC,” within “45 days after the termination of the 72 hour period.”<sup>59</sup> However, it is not clear as to the extent of the minefield reports to the MAC or mine clearance by the MAC. It is likely that many of the minefields did not have adequate maps or inaccurate if the maps were available.<sup>60</sup> Furthermore, the ERWs left from the Korean War would be found all over the DMZ.

As for the future operations of mine clearances for the park in the DMZ, it is fortunate that the two governments of Korea already have the experience of carrying out two demining projects in the DMZ, in connection with the linkage of two transportation corridors (west and east) across the DMZ.<sup>61</sup> The transportation projects followed several high-level negotiations between the government officials of South and North Korea after the June 15, 2000 Joint Declaration, which was issued in the first summit meeting of the two leaders of Korea.<sup>62</sup> On September 19, 2002, the South and North Korean military troops commenced mine clearance operations simultaneously, but separately, in each sector of control from each side’s outermost DMZ boundary toward the MDL.<sup>63</sup> The demining projects were completed in December 2002.<sup>64</sup> The ROK Army cleared about 1000 landmines from 225,800 square meters of land in the 250 meter-wide western corridor and 25,800 square meters of land in the 100 meter-

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58. Armistice Agreement, *supra* note 8, at para. 13(a).

59. *Id.*

60. See 2000 ROK LANDMINE MONITOR, *supra* note 39.

61. Republic of Korea, LANDMINE AND CLUSTER MUNITION MONITOR 547 (2003), available at [http://www.themonitor.org/index.php/publications/display?act=submit&pqs\\_year=2003&pqs\\_type=lm&pqs\\_report=south\\_korea&pqs\\_section=](http://www.themonitor.org/index.php/publications/display?act=submit&pqs_year=2003&pqs_type=lm&pqs_report=south_korea&pqs_section=) (last visited Feb. 7, 2015) [hereinafter 2003ROK LANDMINE MONITOR].

62. See 2002 ROK LANDMINE MONITOR. For the June 15 Declaration, see TAE-HWAN KWAK and SEUNG-HO JOO, PEACE REGIME BUILDING ON THE KOREAN PENINSULA AND NORTHEAST ASIAN SECURITY COOPERATION (Ashgate, 2010).

63. 2003 ROK LANDMINE MONITOR, *supra* note 61.

64. *Id.*



wide eastern corridors.<sup>65</sup> It is unknown how many landmines were removed by the North Korean troops in their sector.<sup>66</sup>

It is also to be noted here that each side demined only the necessary area within the agreed corridor that each side controlled.<sup>67</sup> In other words, the demining was not completed in the entire transportation corridor. Moreover, prior to the demining operations, a few agreements had to be signed by the concerned parties. First, military representatives of the United States for the "UN Command" and the Korean People's Army (DPRK) had to sign two "subsequent agreement(s)" to the Armistice Agreement for the two transportation corridor projects.<sup>68</sup> Secondly, the military representatives of South and North Korea negotiated and signed an "Inter-Korea DMZ Military Security Agreement," which regulated the demining and construction procedures.<sup>69</sup>

Article 2, section 8 of the Inter-Korea agreement stated that "both sides shall cooperate on the equipment and technical problems relating to the landmine clearance."<sup>70</sup> This kind of mutual cooperation will be essential in the building of a peace park in the DMZ too, in all aspects of the project. In particular, both sides will have to agree to demine the entire area of the agreed park location to ensure the safety of people who would visit there in the future.

The purpose of mine clearance for the peace park project will be not only to clear landmines and other hazards but also to restore the land and nature for enjoyment of the people.<sup>71</sup> Therefore, it will be important to manage the demining work in the framework of humanitarian demining, which is different from the objective of military mine clearance.<sup>72</sup> The latter puts emphasis on the speed of mine clearance, often taking certain risks. But in the case of demining for the peace park project, care should be

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65. *Id.*

66. See 2003 DPRK LANDMINE MONITOR, *supra* note 56.

67. See *Building Confidence While Removing Landmines*, JOOGANG DAILY, Feb. 9, 2001.

68. See 2003 DPRK LANDMINE MONITOR, *supra* note 56.

69. See 2003 ROK LANDMINE MONITOR, *supra* note 61.

70. This document was provided to the author by the ROK Mission to the UN, New York, in 2002.

71. Son Gi-Woong, *DMZ International Peace Park: Significance and Promotion Strategy*, KOREA FOCUS (Aug. 2013), available at [http://www.koreafocus.or.kr/design2/layout/content\\_print.asp?group\\_id=104956](http://www.koreafocus.or.kr/design2/layout/content_print.asp?group_id=104956) (last visited Feb. 7, 2015).

72. *Humanitarian Mine Action: The Evolution of Humanitarian Mine Action*, LANDMINE AND CLUSTER MUNITION MONITOR, available at <http://www.the-monitor.org/index.php/publications/display?url=lm/2002/intro/hma.html#Heading974> (last visited Feb. 7, 2015) [hereinafter *Humanitarian Mine Action*].



taken to remove all the landmines and other hazards—applying the International Mine Action Standards (IMAS)<sup>73</sup> and using the least-damaging, environment-friendly methods for the mine clearance. The demining tools and methods should be also chosen, taking into consideration of the local geography and environment of the selected location for the park. Perhaps, it will be helpful for the Korean military to hire some experts on humanitarian demining to train their soldiers on the new process and methods.

One prominent, international NGO that can provide free advice and training for demining project is the Geneva International Center for Humanitarian Demining (GICHD), which promotes IMAS in its training.<sup>74</sup> There are also other respected international NGOs working on demining in various mine-affected countries, including Halo Trust (UK), Swiss Foundation for Mine Action (Swiss), and Norwegian People's Aid (Norway).<sup>75</sup> In addition, many commercial demining agencies are also available in the world.

At present, the ROK Army's soldiers carry out all mine clearances in South Korea.<sup>76</sup> However, considering the long-term task of clearing all the non-self-destructive "dumb" landmines emplaced in Korea in the future, it will be in the national interest for the ROK government to adopt a new law that would allow mine clearance operations by qualified civilian companies or NGOs. This measure will promote the training of a new pool of humanitarian deminers to meet the current needs, as well as the increasing needs for them in the future.

In this regard, it is interesting to note that both the United States military in South Korea and the ROK government used a civilian company to clear some landmines at certain military/restricted sites in South Korea in the past.<sup>77</sup> For instance, the ROK Army hired a civilian company called "Korea Mine Action Group," which was established in 2002, to clear landmines around abandoned Army camps and areas near the DMZ.<sup>78</sup> In

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73. International Mine Action Standards (IMAS), available at <http://www.mineactionstandards.org> (last visited June 6, 2015).

74. See Geneva International Center for Humanitarian Demining (GICHD), available at <http://www.gichd.org> (last visited June 6, 2015).

75. See Resources, UN Mine Action Services, available at <http://www.mineaction.org/resources/ngos> (last visited June 6, 2015).

76. See *Country Profiles: Korea South*, LANDMINE AND CLUSTER MUNITION MONITOR (2014), available at [http://www.the-monitor.org/index.php/cp/display/region\\_profiles/theme/3583](http://www.the-monitor.org/index.php/cp/display/region_profiles/theme/3583) (last visited June 6, 2015).

77. See *History*, KMAG GLOBAL, at [http://www.kmagglobal.com/new/sub01/esub01\\_2.php](http://www.kmagglobal.com/new/sub01/esub01_2.php) (last visited June 6, 2015). It seems this company operated in ROK from 2003 to 2006.

78. See 2003 ROK LANDMINE MONITOR, *supra* note 61.



2003, the company finished the Army's contract and also a local government's contract to demine some unconfirmed minefields.<sup>79</sup> In another case, the United States 2<sup>nd</sup> Infantry Division used a Korean company called "Dong Nam Kae Bal Sa" from November 1968 to carry out "mine clearing, drainage work, and scrap metal cleanup" for the United States military camps located north of Imjin River.<sup>80</sup> These cases show that there were certain needs for the services of civilian demining companies in Korea, possibly from 1950s or 1960s.

## VI. CONCLUSION

The creation of a joint 'Korean DMZ Peace Park'<sup>81</sup> will certainly provide an excellent opportunity for promoting mutual cooperation and trust building in the inter-Korean relations. The project also offers a good opportunity to conduct joint demining operations by both military personnel of Korea, which will contribute to confidence building in the military field. The United States and the international community should provide all the necessary help to the two states of Korea to succeed in this highly symbolic project of hope for peace, disarmament, human rights, and cooperative development in Korea, as well as in the Northeast Asia and the world.

Unfortunately, the project must overcome many obstacles if it is going to be successful. Among the major challenges against the project are the continuing state of war in Korea, the high level of military tensions and arms buildups in Korea today, the Armistice Agreement problems and limitations, and the presence of a large number of landmines and other hazards in the DMZ.

The Korean War Armistice Agreement marked its 60<sup>th</sup> anniversary in 2013.<sup>82</sup> Instead of trying to revive and amend the outdated Armistice Agreement at this time, a better solution would be for the two governments of Korea to take bold initiatives to transform the unstable, restrictive Armistice regime into an enduring peace regime in Korea. One simple option would be for the Korean leaders to hold regular inter-Korean summits to negotiate a peace agreement to end the Korean War officially. Such a new agreement, among others, may create a joint Korean DMZ

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79. *Id.*

80. United States Army, *Operational Report-Lessons Learned, Headquarters, Second Infantry Division, Korea: Experiences of Unit Engaged in Counterinsurgency Operations*, JENERETTE.COM, available at [http://www.jenerette.com/dmz/dmz\\_1969.pdf](http://www.jenerette.com/dmz/dmz_1969.pdf) (1969).

81. This name is a tentative one suggested by the author. The official name will have to be agreed by both governments of Korea later.

82. Armistice Agreement, *supra* note 8.



Peace Commission to manage the security, conservation and cooperative development of the DMZ area.

To realize such a happy ending, It will be also necessary for the two governments and civil society groups in Korea to support inter-Korean dialogues without any preconditions, promote national reconciliation patiently, and increase mutual exchanges and cooperation in various fields—from top down as well as from bottom up—to break down the last Cold War barrier

Moreover, it is urgent for the two Korean governments and the United States to undertake some mutual or unilateral steps to reduce the current military tensions on the Korean Peninsula.<sup>83</sup> Large-scale United States-ROK joint military drills should be reduced in their frequency and scale.<sup>84</sup> In addition, South and North Korea should take some arms control measures jointly. One such arms control measure that both governments of Korea can take easily at this time is on the antipersonnel landmines.

Antipersonnel landmines pose a major humanitarian disaster for the Korean people if fighting in Korea were to resume in the future. There are millions of them already planted on the ground, along with a large stockpile of them in Korea.<sup>85</sup> In the short term, South and/or North Korea may vote in favor of the annual UN General Assembly (GA) resolution on the universalization and implementation of the Mine Ban Treaty (a.k.a. Ottawa Convention), which bans production, stockpiling, transfer, and use of all antipersonnel landmines, except command-detonated antipersonnel landmines.<sup>86</sup>

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83. It is interesting to note that the North Korean government offered a temporary moratorium on nuclear testing in Jan. 2015, in return for the United States suspension of the annual joint military drill with South Korea in 2015. However, the United States rejected it quickly. See Choe Sang-Hun, *North Korea Offers U.S. Deal to Halt Nuclear Test*, N.Y. TIMES, Jan. 10, 2015, available at [http://www.nytimes.com/2015/01/11/world/asia/north-korea-offers-us-deal-to-halt-nuclear-test.html?\\_r=0](http://www.nytimes.com/2015/01/11/world/asia/north-korea-offers-us-deal-to-halt-nuclear-test.html?_r=0) (last visited June 6, 2015).

84. This joint war drill is, perhaps, the largest one in the world, involving more than 200,000 troops. For the 2015 drill, see Amy R. Connolley, *U.S., South Korea to Start Joint Military Exercise Drills*, UPI, Feb. 24, 2015, available at [http://www.upi.com/Top\\_News/World-News/2015/02/24/US-South-Korea-to-start-joint-military-exercise-drills/5031424772781](http://www.upi.com/Top_News/World-News/2015/02/24/US-South-Korea-to-start-joint-military-exercise-drills/5031424772781) (last visited June 6, 2015).

85. For stock file info, see Republic of Korea, LANDMINE AND CLUSTER MUNITION MONITOR (2009), available at [http://www.the-monitor.org/index.php/publications/display?act=submit&pqs\\_year=2009&pqs\\_type=lm&pqs\\_report=so](http://www.the-monitor.org/index.php/publications/display?act=submit&pqs_year=2009&pqs_type=lm&pqs_report=so) with\_korea&pqs\_section= (last visited June 9, 2015).

86. International Campaign to Ban Landmines (ICBL), Article 1 & 2, *The Treaty Text*, available at <http://www.icbl.org/media/604037/treatyenglish.pdf> (last visited June 9, 2015) [hereinafter ICBL]; see also Claymore-Type and Ozm-72 Command-Detonated Mines, LANDMINE MONITOR FACT SHEET (2006), available at <http://www.the-monitor.org/index.php/content/vi19772ew/full> (last visited June 6, 2015).



Due to the tireless efforts of the International Campaign to Ban Landmines (ICBL), increasing UN Member States have joined the Mine Ban Treaty since 1997—162 nations at present.<sup>87</sup> Even China is voting in favor of the GA resolution on the landmine treaty now.<sup>88</sup> Thus, It is about time for both governments of Korea to stop clinging on to the indiscriminate, obsolete weapon, whose use would violate international humanitarian law.<sup>89</sup> Instead, they should agree to join the treaty together if possible, and thereby help create a safer Korea and world, free from antipersonnel landmines. This is a win-win process that will finally put a stop to the repeated, reprehensible excuse of Korea's "unique security situation" or "unique circumstances."<sup>90</sup>

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87. See ICBL, *Treaty Status*, available at <http://www.icbl.org/en-gb/the-treaty/treaty-status.aspx> (last visited June 9, 2015).

88. ICBL, *Frequently Asked Questions Regarding the UNGA Mine Ban Treaty Resolution*, available at <http://www.icbl.org/en-gb/the-treaty/treaty-meetings/un-first-committee/frequently-asked-questions-regarding-the-unga-mine-ban-treaty-resolution.aspx> (last visited Feb. 7, 2015).

89. See ICBL, *Why the Ban?*, available at, <http://www.icbl.org/en-gb/problem/arguments-for-the-ban.aspx> (last visited June 6, 2015).

90. Press Release, *The White House, Fact Sheet: Changes to United States Anti-Personnel Landmine Policy* (Sept. 23, 2014) (on file with The White House Office of the Press Secretary), available at <http://www.whitehouse.gov/the-press-office/2014/09/23/fact-sheet-changes-us-anti-personnel-landmine-policy> (last visited Feb. 7, 2015). In this announcement, the Obama administration stated that the United States will "not use APL (antipersonnel landmines) outside the Korean Peninsula," as of Sept. 23, 2014.